

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Fort Lauderdale

UNITED STATES OF AMERICA	/	Case No. _____
	/	
	/	31 U.S.C. § 5322(b)
	/	31 U.S.C. § 5318(h)(1)
vs.	/	
	/	
	/	
BANKATLANTIC, FORT LAUDERDALE, FLORIDA	/	
	/	
Defendant.	/	
	/	

INFORMATION

THE UNITED STATES OF AMERICA, ACTING THROUGH ITS ATTORNEYS,
CHARGES:

GENERAL ALLEGATIONS

At all times material to this indictment:

1. Defendant BANKATLANTIC was a Federal/Stock Savings Bank and a wholly-owned subsidiary of BANKATLANTIC BANCORP, INC., a publicly held financial institution, traded on the New York Stock Exchange.

2. Defendant BANKATLANTIC was a "financial institution" as defined in 31 U.S.C. § 5312(a)(2), a "bank" as defined in 31 C.F.R. § 103.11(c); and an "insured depository institution" as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(c)(2)).

3. Defendant BANKATLANTIC is subject to oversight and regulation by the Office of Thrift Supervision (OTS).

4. The Bank Secrecy Act ("BSA"), 31 U.S.C. § 5311 et seq., and its implementing regulations, which Congress enacted to address an increase in criminal money laundering activities

utilizing financial institutions, require domestic banks, insured banks and other financial institutions to maintain programs designed to detect and report suspicious activity that might be indicative of money laundering, terrorist financing and other financial crimes, and to maintain certain records and file reports related thereto that are especially useful in criminal, tax or regulatory investigations or proceedings.

5. Pursuant to Title 31, United States Code, Section 5318(h)(1) and 12 C.F.R. § 563.177(c), Defendant BANKATLANTIC, was required to establish and maintain an anti-money laundering (AML) compliance program that, at a minimum:

- (a) provides internal policies, procedures, and controls designed to guard against money laundering;
- (b) provides for an individual or individuals to coordinate and monitor day-to-day compliance with the BSA and AML requirements;
- (c) provides for an ongoing employee training program; and
- (d) provides for independent testing for compliance conducted by bank personnel or an outside party.

COUNT 1

From in or about April 2002, and continuing until on or about April 2004, the exact dates being unknown to the United States, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

BANKATLANTIC

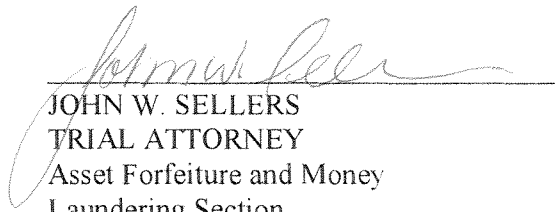
did willfully fail to establish an anti-money laundering program, including, at a minimum, (a) the development of internal policies, procedures, and controls; (b) the designation of a compliance

officer; (c) an ongoing employee training program; and (d) an independent audit function to test programs,

All in violation of Title 31, United States Code, Sections 5318(a)(2), 5318(h), and 5322, and 12 C.F.R. 563.177 and 31 C.F.R. 103.121.

RICHARD WEBER, CHIEF
ASSET FORFEITURE AND
MONEY LAUNDERING SECTION

By:



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